

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Pollution Prevention and Right to Know
Research and Development Laboratory Exemption Instructions

The New Jersey Worker and Community Right to Know Act exempts research and development (R& D) laboratories from chemical inventory reporting on the annual Community Right to Know Survey. In order to obtain approval for the R& D laboratory exemption, the employer must meet the following requirements:

- 1) The area(s) within the facility must meet the statutory (N.J.S.A. 34:5A-3) and regulatory definition (N.J.A.C. 7:1G-1.2) of “research and development laboratory.” Specifically, the research and development laboratory must be a specially designated area used primarily (more than 50%) for research, development, and testing activity (and not primarily involved in the production of goods for commercial sale), in which environmental hazardous substances are used by or under the direct supervision of technically qualified person.
- 2) The employer must establish a communications program with the local fire department (N.J.S.A. 34:5A-25 (b) and N.J.A.C. 7:1G-3.2)

Commercial testing laboratories and dedicated production quality control laboratories are not eligible for an R&D laboratory exemption from the Department. In addition these operations are not exempt from federal Toxic Chemical Release Inventory (TRI) reporting (Form R) required under Section 313 of the Emergency Planning and Community Right to Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act, or SARA Title III.

An approved R&D laboratory exemption allows an employer to:

- 1) exempt the R&D laboratory area(s) within the facility from the chemical inventory reporting requirement of the annual Community Right to Know Survey (DEQ-094), and the environmental release, throughput, waste transfer and pollution prevention reporting requirement of the Release and Pollution Prevention Report (DEQ-114) .
- 2) utilize an alternate chemical labeling system for environmental hazardous substances within the R&D laboratory as specified in N.J.A.C. 8:59-5.3

The R&D laboratory exemption application will be reviewed by the DEP and the NJ Department of Health and Senior Services (NJDHSS). If approved, the R&D laboratory exemption remains in effect indefinitely provided that:

- 1) The employer notifies the DEP of any changes in the R&D activity in the laboratory which may affect its ability to meet the definition of “research and development laboratory.”
- 2) The ownership and location of the facility remains as stated in the original application. If the ownership or facility location changes, the employer must reapply for the R&D laboratory exemption by supplying updated information.

COMPLETING THE APPLICATION

An application must be completed for each individual facility, which may be submitted with the Community Right to Know Survey. If the survey for the facility has already been submitted to the Department, the application may be submitted by itself.

If R&D is the sole activity at the facility (other than office activity), the entire facility may be eligible for an R&D laboratory exemption from state Community Right to Know reporting. However, if other activity occurs at the facility an exemption may be obtained for only the R&D laboratory portion(s) of the facility. Be advised that even if your entire facility is granted an exemption from state reporting, hazardous chemicals reportable under Section 312 of federal Emergency Planning and Community Right to Know Act of 1986 (EPCRA) that were present at the facility during the reporting year still must be reported on the Community Right to Know Survey.

If, after review by the Department, the application is not approved because the area does not meet the definition of an R&D laboratory you will be notified and instructed to complete and submit the inventory pages(s) (Part 2) of the survey for the laboratory (if it was not already submitted to the Department). It is very important that you keep the survey book for future reference. If you have questions concerning the exemption application, contact the Office of Pollution Prevention and Right to Know at (609) 292-6714.

Instructions for completing questions 1 thru 7

- 1a) If the only activity at the facility is R&D activity, provide a site map of the facility indicating the location of the laboratories. If production occurs at the facility during the year, provide a site map and a floor map identifying the location of the R&D areas and the location of any production, quality control or warehouse areas at the facility.
- 1b) Provide a brief description of the R&D activities conducted, including the R&D related testing which is performed.
- 2) State the percentage of the daily work hours averaged over the year which were devoted to R&D activity in the area(s) for which you are requesting an exemption.
- 3) State the percentage of the daily work hours averaged over the year which were devoted to quality control in support of production activity in the area(s) for which you are requesting an exemption.
- 4) Indicate (yes or no) whether the production of goods occurred at the location with in the facility during the reporting year. If “no,” complete Part 1 only of the CRTK Survey and submit it with this application, if Part 1 of the CRTK Survey was not already submitted.
- 5) If the answer to 4 is “yes,” you must complete Part 1 and Part 2 of the Community Right to Know Survey for the non-R&D laboratory area(s) of the facility if there are reportable environmental hazardous substances. Attach Parts 1 & 2 of the CRTK Survey to this application if the CRTK Survey was not previously sent to the Department.
- 6) Complete Form Q included with this application package and have it signed by the supervisor of the R&D laboratory. This form acknowledges that the environmental hazardous substances in the R&D laboratory are supervised by a person meeting the definition of “technically qualified person.” You may submit a written statement detailing the technical qualifications of each supervisor of the R&D laboratory in lieu of completing Form Q.
- 7) Complete Form F included with this application package and have it signed by your local fire department or office of emergency management, whichever is applicable to your facility location. This form acknowledges that a communications program has been established with your fire department. See the attached communications program guidelines for additional information.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Pollution Prevention and Right to Know
Research and Development Laboratory Exemption Application

Facility Name _____

Facility Location _____

FAC ID # _____ (11 digits)

Survey Year _____

1. a) Attach a map indicating the specific area(s) where R&D is performed at the above facility.
(8 1/2" x 11" format)

b) Attach a description of the R&D activities in the designated area(s).
 2. During the survey year, what percentage of total work hours were devoted to R&D activities in the area(s) for which you are seeking this exemption? _____%
 3. During the survey year, what percentage of total work hours were devoted to quality control in support of production in the area(s) for which you are seeking this exemption? _____%
 4. During the survey year, was any production of goods for commercial sale conducted at the facility? Yes/No _____
- If: [No], attach completed Part 1 of CRTK survey and go to 6.
[Yes], continue to 5.
If CRTK survey was previously submitted, mark this box. ☐
5. Attach a completed Part 1 of the CRTK survey and include chemical inventory pages (Part 2) for the non-R&D areas of the facility.
 6. Attach an original Form Q signed by the "technically qualified person" supervising the R&D laboratory, or a separate statement of the technical qualifications of each R&D laboratory supervisor.
 7. Attach an original Form F signed by your fire department confirming that your facility has established a communications program with them. (Form F is supplied in this packet.)

CERTIFICATION OF OWNER/OPERATOR OR AUTHORIZED REPRESENTATIVE

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Signature _____ Date _____

Name (Print) _____ Title _____

Mail Address _____

Telephone (____) _____

INCOMPLETE SUBMITTALS CANNOT BE PROCESSED AND WILL BE RETURNED.

FORM Q

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Pollution Prevention and Right to Know
Research and Development Laboratory Exemption Application Attachment

Facility Name _____

Facility Location _____

FAC ID # _____
(11 digits)

R&D LABORATORY SUPERVISOR CERTIFICATION

This is to certify that the environmental hazardous substances in the specific area(s) identified at the R&D laboratory in this attached application dated _____ are used or supervised by a “technically qualified person(s)” as defined in N.J.A.C. 7:1G-1.2. for purposes of supervision in a research and development laboratory, this means a person who has a bachelors degree in industrial hygiene, environmental science, health education, chemistry or a related field and understands the health risks associated with exposure to the environmental hazardous substances used in the R&D laboratory.

Supervisor's signature _____ Date _____

Supervisor Name (Print) _____ Title _____

Employer Name _____

Mailing Address _____

Telephone (____) _____

FORM F

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Pollution Prevention and Right to Know
Research and Development Laboratory Exemption Application Attachment

Facility Name _____

Facility Location _____

FAC ID # _____
(11 digits)

COMMUNICATIONS PROGRAM

This is to confirm that the above facility has contacted our department with respect to their application for a research and development (R&D) laboratory exemption from New Jersey Community Right to Know reporting. The above facility has provided our department with the information needed to establish a communications program designed to assist the fire department in adequately preparing to respond to emergencies at the R&D laboratory.

We accept the information provided to our department as adequate to prepare for emergencies at the above facility.

Fire Official Signature _____ Date _____

Official Name (Print) _____ Title _____

Fire Department Name _____

Mailing Address _____

Telephone (_____) _____

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Pollution Prevention and Right to Know
Research and Development Lab Communications Program Suggestions

Employers seeking research and development laboratory exemptions from filing the chemical inventory of the Community Right to Know Survey must establish a communications program with their local fire department. The communications program is designed to assist the fire department in adequately preparing to respond to emergencies at the research and development laboratory (N.J.S.A. 34:5A-25b). The New Jersey Department of Environmental Protection and the New Jersey Department of Health and Senior Services consider the following components to be important in the development of an effective communications program:

1. A list of environmental hazardous substances present at the R&D laboratory. Give maximum quantities of each substance present at the lab. The list should be updated if new environmental hazardous substances are received or removed from the lab.
2. A list of emergency equipment available at the facility (e.g. fire extinguishers, fire control equipment, spill control equipment, decontamination equipment, self contained breathing apparatus, respirators.)
3. A scaled engineering site plan which shows the locations of the environmental hazardous substance, emergency equipment, entrance and exit routes to the site, switches for air circulating systems, shut-off valves for drainage systems.
4. A list of all facility personnel qualified to act as emergency response coordinators. Coordinators should be listed in the order in which they will assume responsibility. There must be 24-hour phone listings for each person. Identify those persons who will meet the fire department at the facility entrance in an emergency situation.
5. An evacuation plan for the R&D lab. All lab personnel should be made familiar with the plan.
6. Information indicating the type of hazards posed to the surrounding community in the event of fire, spill or release.
7. Any additional information that may be requested by the local fire department can be added.